

COMMUNITY MEETING REPORT

Petitioner: Erwin Capital
Rezoning Petition No. 2020-007

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte Planning, Design and Development Department pursuant to the provisions of the City of Charlotte Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Petitioner mailed a written notice of the date and time of the Community Meeting, and information on how to access the Community Meeting to the individuals and organizations set out on Exhibit A-1 attached hereto by depositing such notice in the U.S. mail on May 8, 2020. A copy of the written notice is attached hereto as Exhibit A-2.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Tuesday, May 26, 2020 at 6:30 PM. The Community Meeting was a virtual Community Meeting and was held by way of a Webinar.

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):

The Community Meeting was attended by the individual identified on Exhibit B attached hereto. The Petitioner's representatives at the Community Meeting were Mark Erwin of the Petitioner, Mark Kime of LandDesign and John Carmichael of Robinson Bradshaw & Hinson, P.A.

SUMMARY OF ISSUES DISCUSSED:

The Petitioner's representatives utilized a power point presentation during the Community Meeting, a copy of which is attached hereto as Exhibit C.

John Carmichael welcomed the attendee to the Community Meeting and introduced himself and the Petitioner's representatives. John Carmichael stated that this is the official Community Meeting relating to Rezoning Petition No. 2020-007.

John Carmichael provided the current schedule of events relating to this rezoning request. He stated that the Public Hearing is currently scheduled for Monday, July 20, 2020 at 5:30 P.M. at the Charlotte-Mecklenburg Government Center located at 600 East 4th Street. However, at this point, we do not know if the Public Hearing will be an in-person meeting or a virtual meeting due to COVID-19. John Carmichael stated that the Public Hearing is before City Council and the Zoning Committee. John Carmichael stated that July 20, 2020 is the earliest that the Public Hearing could be held with respect to this rezoning request. It is always possible that the Public Hearing could be deferred.

The Zoning Committee Work Session is currently scheduled for Tuesday, August 4, 2020 at 5:30 P.M. at the Charlotte-Mecklenburg Government Center. However, we do not know if the Zoning Committee Work Session will be an in-person meeting or a virtual meeting due to COVID-19. Although this is a public meeting, it is not a Public Hearing. This means that the public is welcome to attend the meeting, however, neither the public nor the Petitioner typically speak at this meeting. The Zoning Committee will make a recommendation to City Council on each

petition that was heard on Monday, July 20, 2020 as to whether or not each petition should be approved or denied.

City Council is currently scheduled to render a decision on this rezoning request on Monday, September 21, 2020 at 5:30 P.M. at the Charlotte-Mecklenburg Government Center. Hopefully, by September 21, 2020, we will be able to have in-person meetings at the Charlotte-Mecklenburg Government Center.

John Carmichael then shared aerial photographs and a map that depict the site. John Carmichael stated that the site subject to this Rezoning Petition contains approximately 13.211 acres and is located at the northeast corner of the intersection of Albemarle Road and Rocky River Church Road. The site is an approximately 13.211 acre portion of an approximately 40 acre site that was rezoned to the B-1 (CD) zoning district by City Council in 1998 to accommodate a multi-use development on the 40 acre site.

John Carmichael shared a slide that depicts the current B-1 (CD) zoning of the site and the zoning of adjacent and nearby parcels of land.

John Carmichael shared the currently approved conditional rezoning plan for the site. Under the currently approved rezoning plan, the 40 acre site was divided into two Parcels, Parcel A and Parcel B. Parcel A contains 16.3 acres and could be developed with up to 80,000 square feet of retail and office uses. Parcel B contains approximately 23.7 acres and could be developed with up to 300 multi-family dwelling units. The multi-family residential community approved for Parcel B was built.

Under the currently approved rezoning plan, a maximum of one restaurant with drive-through windows could be built on Parcel A and a maximum of one convenience store/gasoline station could be built on Parcel A.

The one allowed restaurant with drive-through windows was built on Parcel A, a Bojangles Restaurant, and the one allowed convenience store/gasoline station was built on Parcel A at the corner of Highway 51 and Albemarle Road. A Waffle House and a storm water pond have also been built on Parcel A. The remaining portions of Parcel A have not been developed, and these undeveloped portions of Parcel A comprise the site subject to this Rezoning Petition. Those portions of Parcel A that have been developed are not subject to this Rezoning Petition.

Pursuant to this Rezoning Petition, the Petitioner is requesting an amendment to the currently approved conditional rezoning plan to allow the following uses on the site:

- (1) Retail uses, personal service uses, general and professional office uses (including medical and dental offices), financial institutions, hotel uses and restaurants; and
- (2) Residential uses allowed in the B-1 zoning district, including age restricted independent living units.

A maximum of 68,000 square feet of gross floor area could be developed on the site.

A maximum of one restaurant with drive-through windows could be located on the site, which restaurant would be in addition to the Bojangles Restaurant. A convenience store with fuel pumps or a gas station would not be permitted on the site.

John Carmichael shared the Petitioner's rezoning plan and stated that a 12 foot wide multi-use path would be installed along the site's frontages along Albemarle Road and Rocky River Church Road. John Carmichael stated that parking could not be located within the hatched area on the rezoning plan, which area is located at and near the intersection of Albemarle Road and Rocky River Church Road.

The Community Meeting was then devoted to a question, answer and comment session. Set out below is a summary of the responses to the questions as well as the comments and concerns that were expressed at the meeting.

- In response to a question, Mark Erwin stated that he has not yet developed a specific plan for the development. Mark Erwin stated that he has owned this site for 25 years and he originally thought that a grocery store and a pharmacy would be located on the site but that is not practical today. Therefore, he is looking to obtain a little more flexibility in terms of the uses that can locate on the site and to have the ability to locate one restaurant with drive-through windows on the site. Mark Erwin stated that he has been approached by some users, but he does not have a specific plan or specific users at this time. He believes that there will be a restaurant with drive through windows on the site but as for other uses, it will be up to the market and the market is changing.
- The attendee stated that she likes that buildings would be pulled up to the street next to Rocky River Church Road and Albemarle Road, and she likes that a convenience store/gasoline station would not be located on the site.
- The attendee stated that she lives in a nearby apartment complex. Mark Erwin stated that he hopes to bring uses to the site that will be beneficial to the neighborhood.

John Carmichael thanked the attendee for attending the meeting, and the meeting was adjourned.

CHANGES MADE TO THE PETITION AS A RESULT OF THE COMMUNITY MEETING AS OF THE DATE HEREOF:

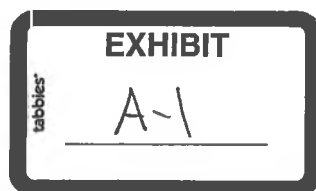
No changes have been made to the rezoning plan or to the Rezoning Petition as of the date of this Community Meeting Report solely as a result of the Community Meeting.

Respectfully submitted, this 15th day of June, 2020

Erwin Capital, Petitioner

cc: Mr. Will Linville, Charlotte Planning, Design & Development (via e-mail)

2020-007	TAXPID	OWNERLASTN	OWNERFIRST	COWNERFIRS	COWNERLAST	MAILADDR1	MAILADDR2	CITY	STATE	ZIPCODE
2020-007										
2020-007	11122103	RHODES	MARY L (RESTATED R/T)		C/O JOHN RHODES	13849 BEATTIES FORD RD		HUNTERSVILLE	NC	28078
2020-007	11122104	KH MINT HILL LLP				105 NE 1ST STREET		DELRAY BEACH	FL	33407
2020-007	11122105	BURROWS PRODUCTS LLC				4494 RACEWAY DR		CONCORD	NC	28027
2020-007	11123304	L & N FLOWE LLC				13335 ALBEMARLE RD		CHARLOTTE	NC	28227
2020-007	11123331	HAWTHORNE-MIDWAY VISTA PARK LLC			TUFFY PROPERTIES VISTA PARK LLC	PO BOX 56607		ATLANTA	GA	30343
2020-007	11123335	VARIETY SHADE LANDOWNERS OF VIRGINIA INC			ATTN: DAVID C COOMBS	632 UNBRIDLED LN		KELLER	TX	76248
2020-007	11123337	BEAVER FARMS OWNERS ASSOCIATION INC			C/O ERWIN CAPITAL INC	C/O ERWIN CAPITAL INC	1521 PROVIDENCE DR	CHARLOTTE	NC	28211
2020-007	11123338	MARK OIL COMPANY INC			% WILLIAM O TOME JR	PO BOX 32064		CHARLOTTE	NC	28232
2020-007	11123339	HILLCREST FOODS INC				50 SATELLITE BLVD STE G		SUWANEE	GA	30024
2020-007	11123340	WOODLAND BEAVER FARMS LLC				C/O ERWIN CAPITAL INC	907 HUNTINGTON PARK DR	CHARLOTTE	NC	28211
2020-007	13715203	ALLEN	WOODROW M		(ET-AL)	10328 ALLEN MUNN LN		CHARLOTTE	NC	28227
2020-007	13715306	TAYLOR OIL CO				1645 WESTBROOK PLAZA DR		WINSTON SALEM	NC	27103
2020-007	13715307	CADE CAPITAL INVESTMENTS LLC				1407 AIRPORT RD		MONROE	NC	28110
2020-007	13715308	FIREPRO INVESTMENTS LLC				6626 E WT HARRIS BLVD STE 3		CHARLOTTE	NC	28215
2020-007	13715309	SKCW PROPERTIES II LLC				7935 COUNCIL PL		MATTHEWS	NC	28105
2020-007	13715314	ETHRIDGE	MARK F	MELODY	ETHRIDGE	PO BOX 690 160		CHARLOTTE	NC	28227
2020-007	13715320	CHAKRA INVESTMENTS LLC				13134 ALBEMARLE RD		MINT HILL	NC	28227
2020-007	13715321	CADE CAPITAL INVESTMENTS LLC				206 PARK RD EAST		INDIAN TRAIL	NC	28079



2020-007	ORGANIZATION_NAME	FIRST_NAME	LAST_NAME	STREET_ADDRESS	UNIT_NUM	CITY	STATE	ZIP
2020-007	Larkhaven Village	Atreece	Bailey	14011 Haven Ridge Lane	304	Charlotte	NC	28215

Dear Community Neighbors,

A virtual Community Meeting will be hosted by LandDesign, Inc. and Robinson Bradshaw on **Tuesday, May 26, 2020 at 6:30 PM** to discuss a Rezoning Site Plan Amendment request filed by Erwin Capital for a 13.2 acre site located at the northeast corner of the intersection of Albemarle Road and Rocky River Church Road next to the Bojangles' Restaurant (the "Site"). The Site is comprised of Tax Parcel Nos. 11123332, 11123333, 11123334, 11123337 and 11123340. The purpose of this Rezoning Site Plan Amendment request is to allow additional uses on the Site, such as a restaurant with drive-thru windows and townhomes and/or age restricted independent living units. The Site is part of the land that is subject to Rezoning Petition No. 1998-042(c).

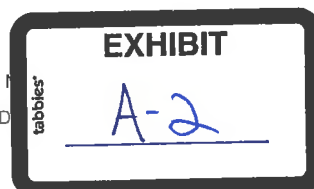
This meeting shall be an informational session for neighboring residents, and we encourage you to attend and bring questions about the development that can be answered by our team.

Community Neighbors who would like to receive an invitation to the virtual meeting **must** email their personal email addresses to mkime@landdesign.com in order to receive an electronic invitation and a link to the meeting. If you do not have access to the internet or cannot otherwise participate in the meeting and would like a hard copy of the presentation mailed to you, please contact me at the email address or phone number below.

The presentation will be available on-line for review for a period of at least 10 days after the virtual Community Meeting. The presentation will be posted on the Planning Department's webpage for this Rezoning Petition (Rezoning Petition No. 2020-007), and the link to this webpage is: <https://charlottenc.gov/planning/Rezoning/RezoningPetitions/2020Petitions/Pages/2020-007.aspx>.

You can continue to email questions regarding this Rezoning Site Plan Amendment request to me after the virtual Community Meeting. Below is additional information on this Rezoning Site Plan Amendment request.

Project Name:	Beaver Farms
Case:	Rezoning Petition No. 2020-007
Petitioner:	Erwin Capital 1521 Providence Road Charlotte, NC 28211
Existing Zoning:	B-1 (CD)
Proposed Zoning:	B-1 (CD-SPA)
Meeting Time:	Tuesday, May 26th from 6:30-8:30pm



LandDesign.
CREATING PLACES
THAT MATTER.

Sincerely,



Mark E. Kime, PLA
LandDesign Inc.
223 North Graham Street
Charlotte, North Carolina 28202
(704) 333-0325
mkime@landdesign.com

Council Member Newton, Charlotte City Council District 5 (Via Email)
Will Linville, Charlotte Planning, Design and Development Department (Via Email)

LANDDESIGN.COM

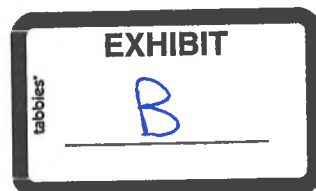
223 N. GRAHAM STREET • CHARLOTTE, NC 28202 • 704.333.0325

CHARLOTTE • WASHINGTON D.C. • DALLAS • ORLANDO • SAN FRANCISCO • BOULDER

Community Meeting
Rezoning of Property on Albemarle Road
Petition No. 2020-007

Zoom Webinar Participants

Atreece Bailey



Rezoning Petition No. 2020-007

Erwin Capital Petitioner

Community Meeting

May 26, 2020



ROBINSON
BRADSHAW

Charlotte : Research Triangle : Rock Hill
robinsonbradshaw.com

Agenda

- I. Introduction of Team Members
- II. Current Schedule of Events
- III. Site/Current Zoning
- IV. Review of Site Plan Amendment Request Site Plan
- V. Questions

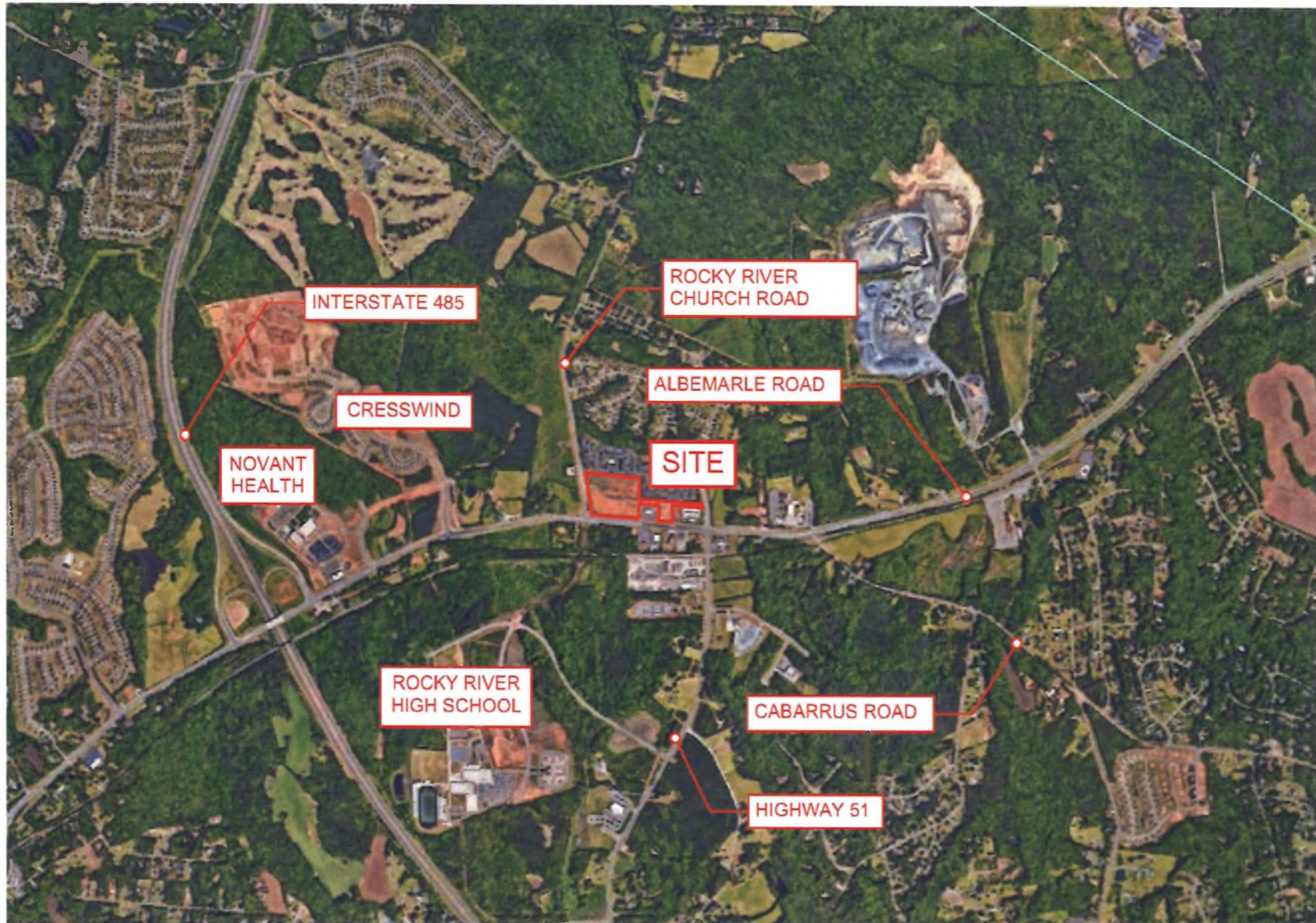
Team Members

- Mark Erwin, Erwin Capital
- Mark Kime, LandDesign
- John Carmichael, Robinson, Bradshaw & Hinson

Current Schedule of Events

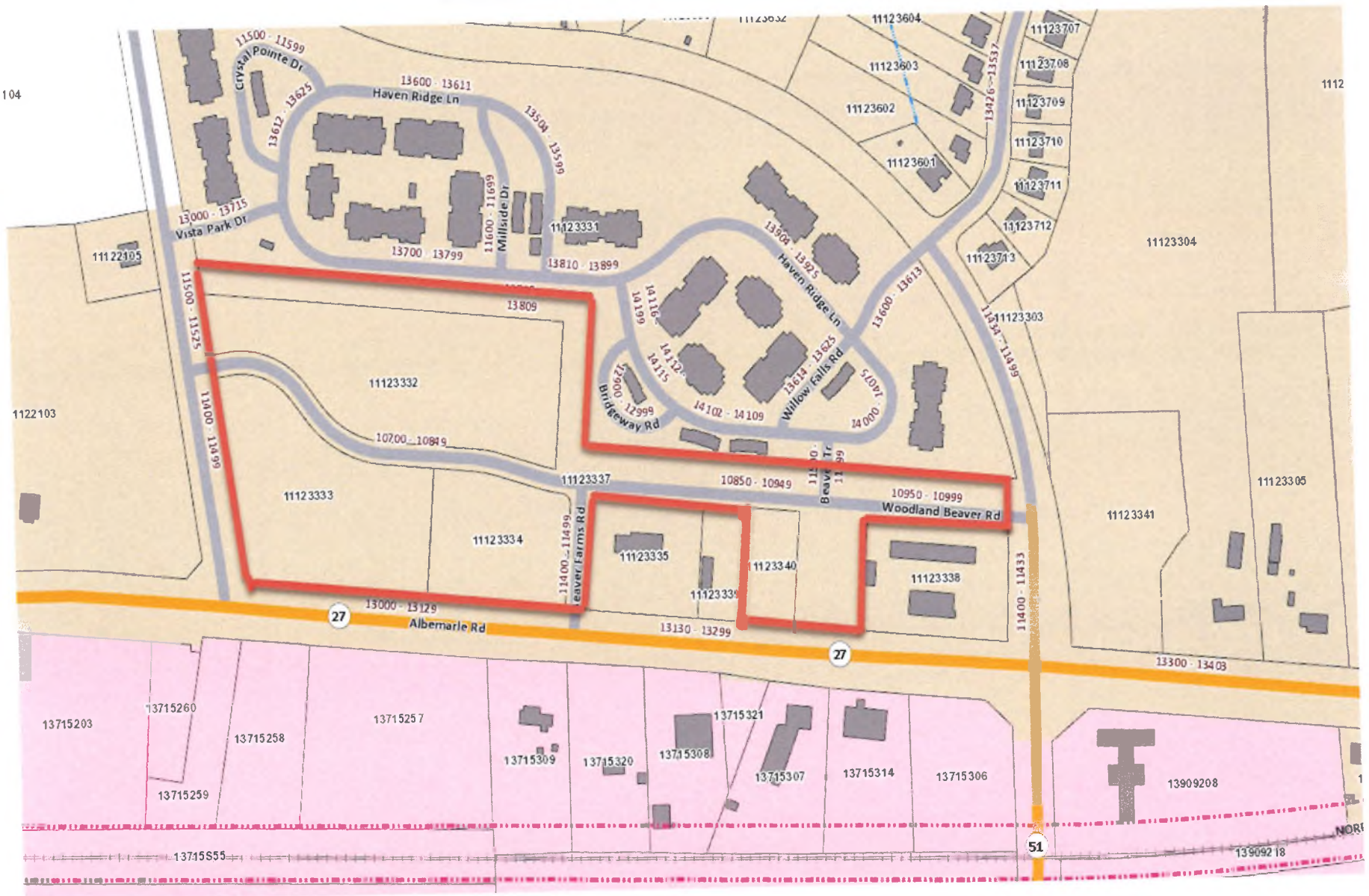
- Public Hearing: Monday, July 20, 2020 at 5:30 PM
at the Charlotte-Mecklenburg
Government Center
- Zoning Committee: Tuesday, August 4, 2020 at 5:30 PM
at the Charlotte-Mecklenburg
Government Center
- City Council Decision: Monday, September 21, 2020 at
5:30 PM at the Charlotte-Mecklenburg
Government Center

Site – 13.211 Acres

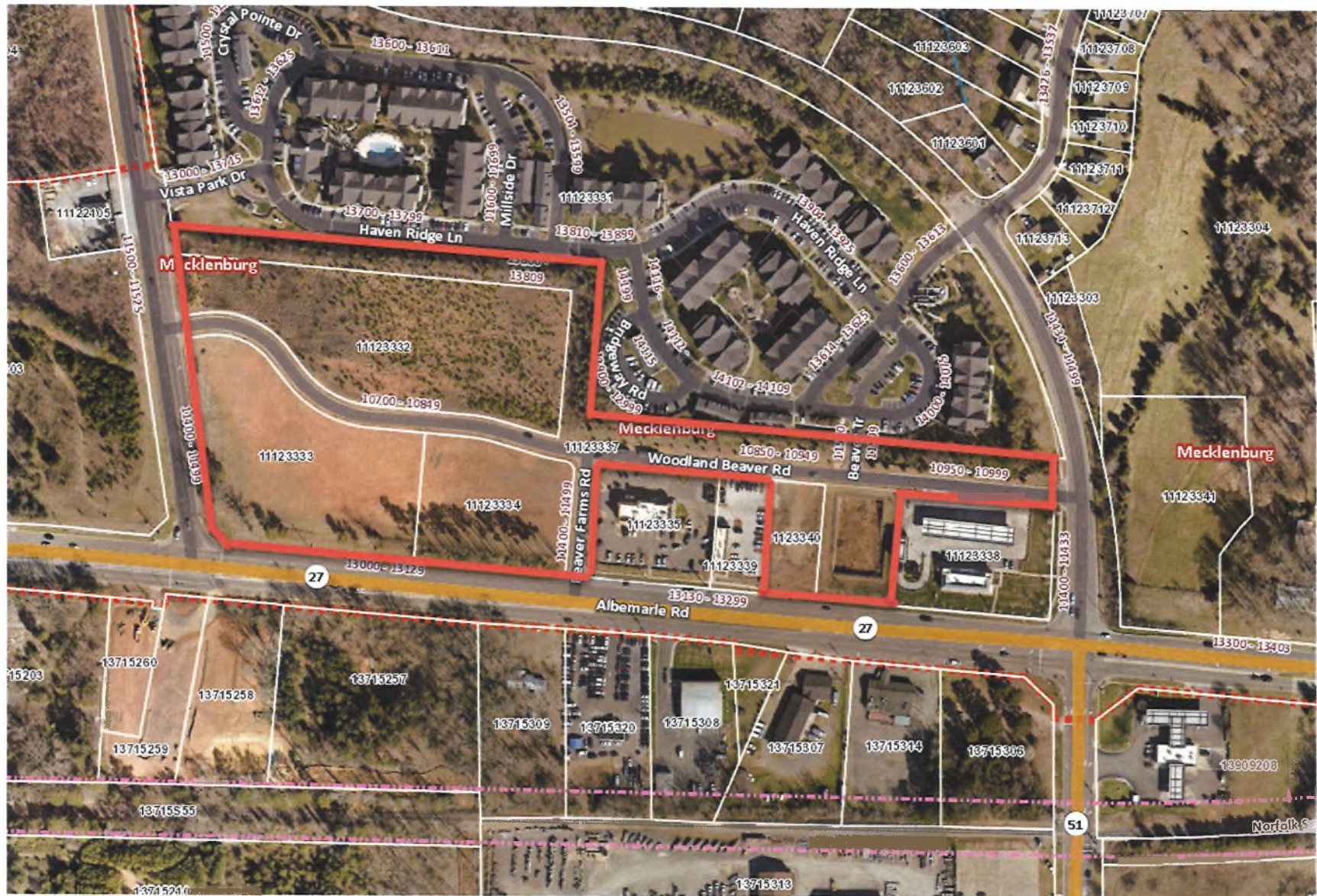


Site – 13.211 Acres

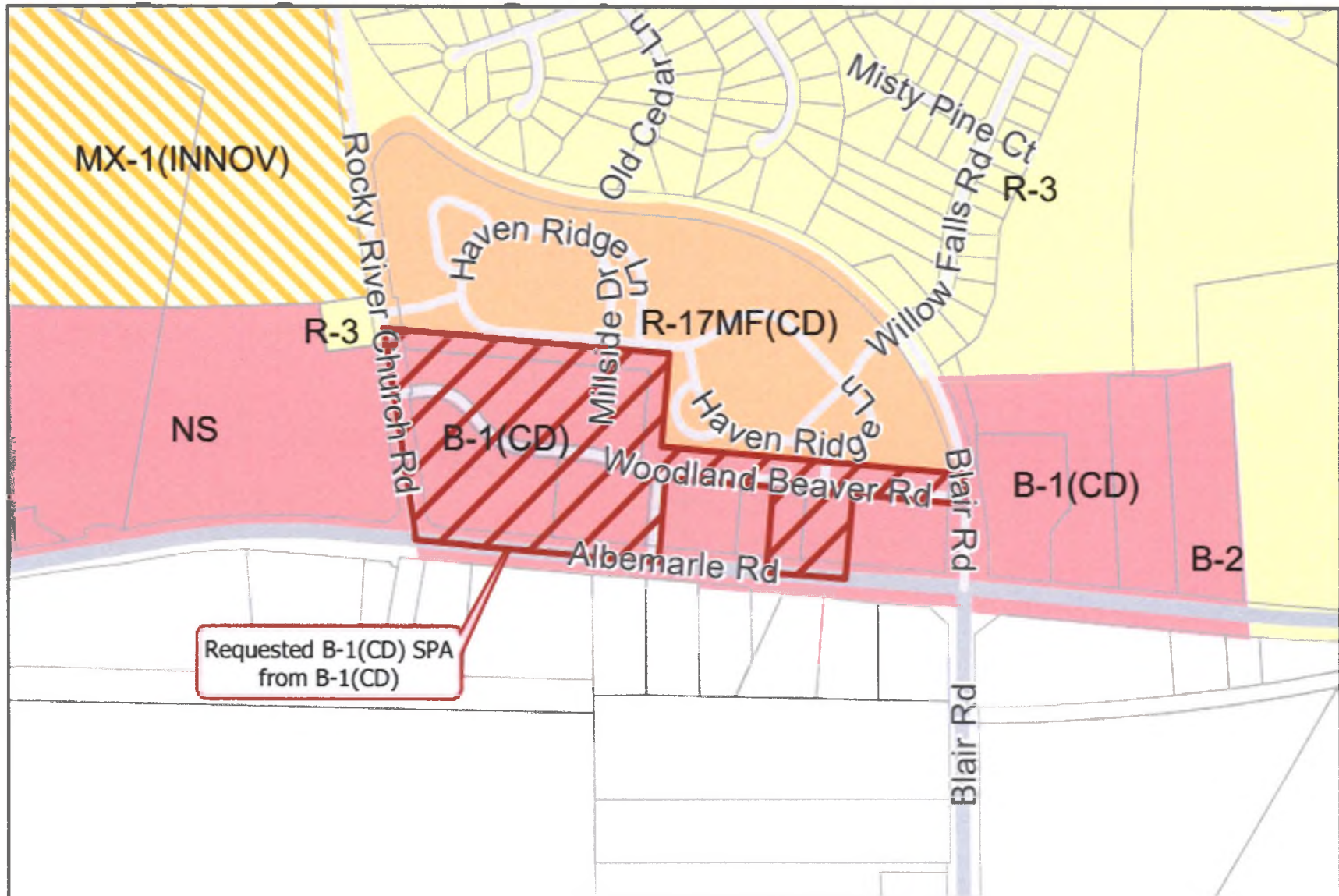
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1. *Journal of the American Medical Association*, 1997; 278: 1029-1033.



Current Zoning of the Site and Nearby Parcels





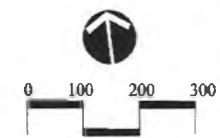
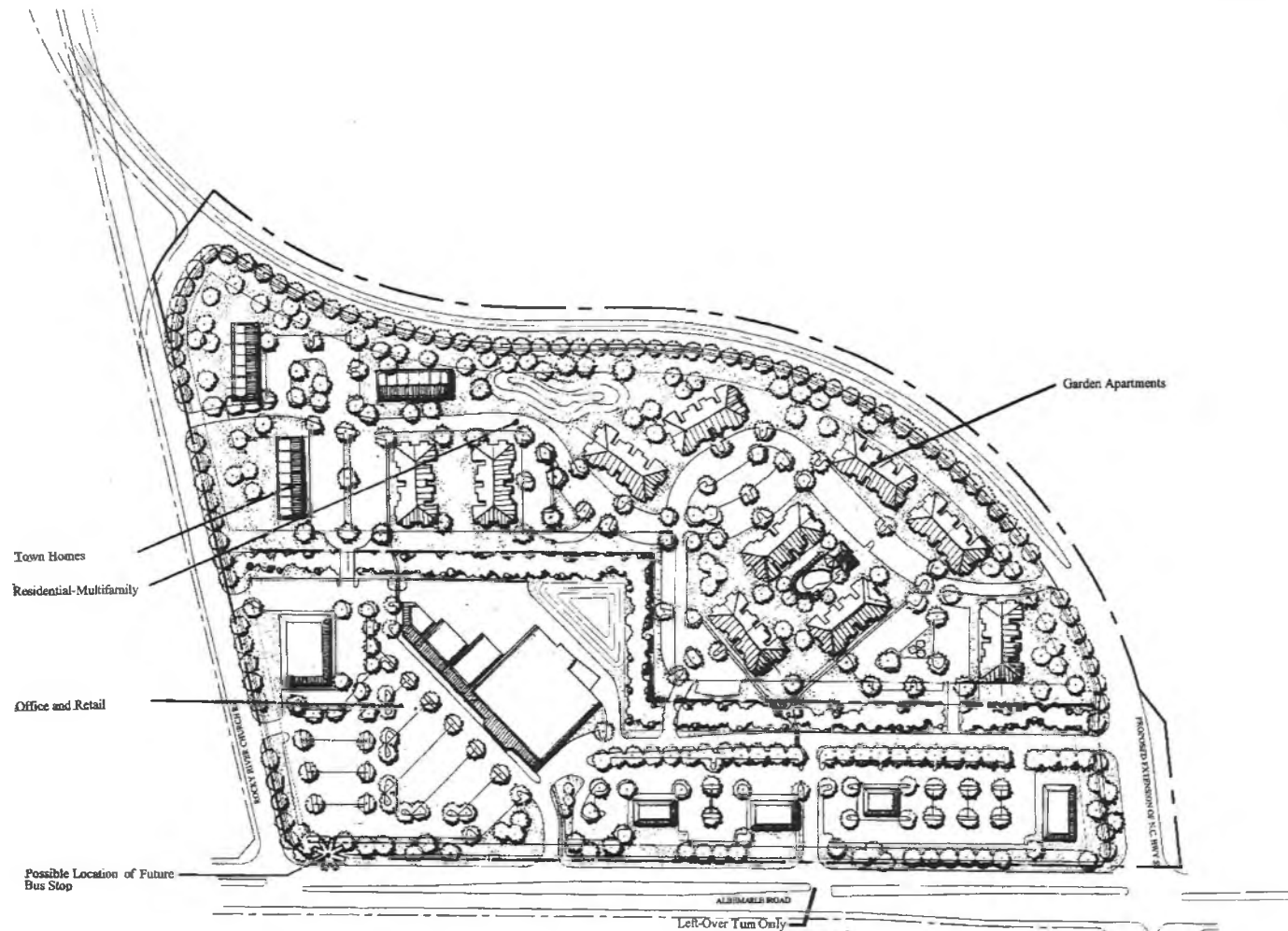
Currently Approved B-1 (CD) Rezoning Plan
for the Site

ERWIN CAPITAL/BEAVER FARMS SKETCH PLAN

ERWIN CAPITAL INC., PETITIONER
CROSLAND GROUP INC., PETITIONER

SITE PLAN AMENDMENT

REZONING PETITION NO. 98-42 (C)
FOR PUBLIC HEARING



SCALE: 1"=100'

Land Design Inc.

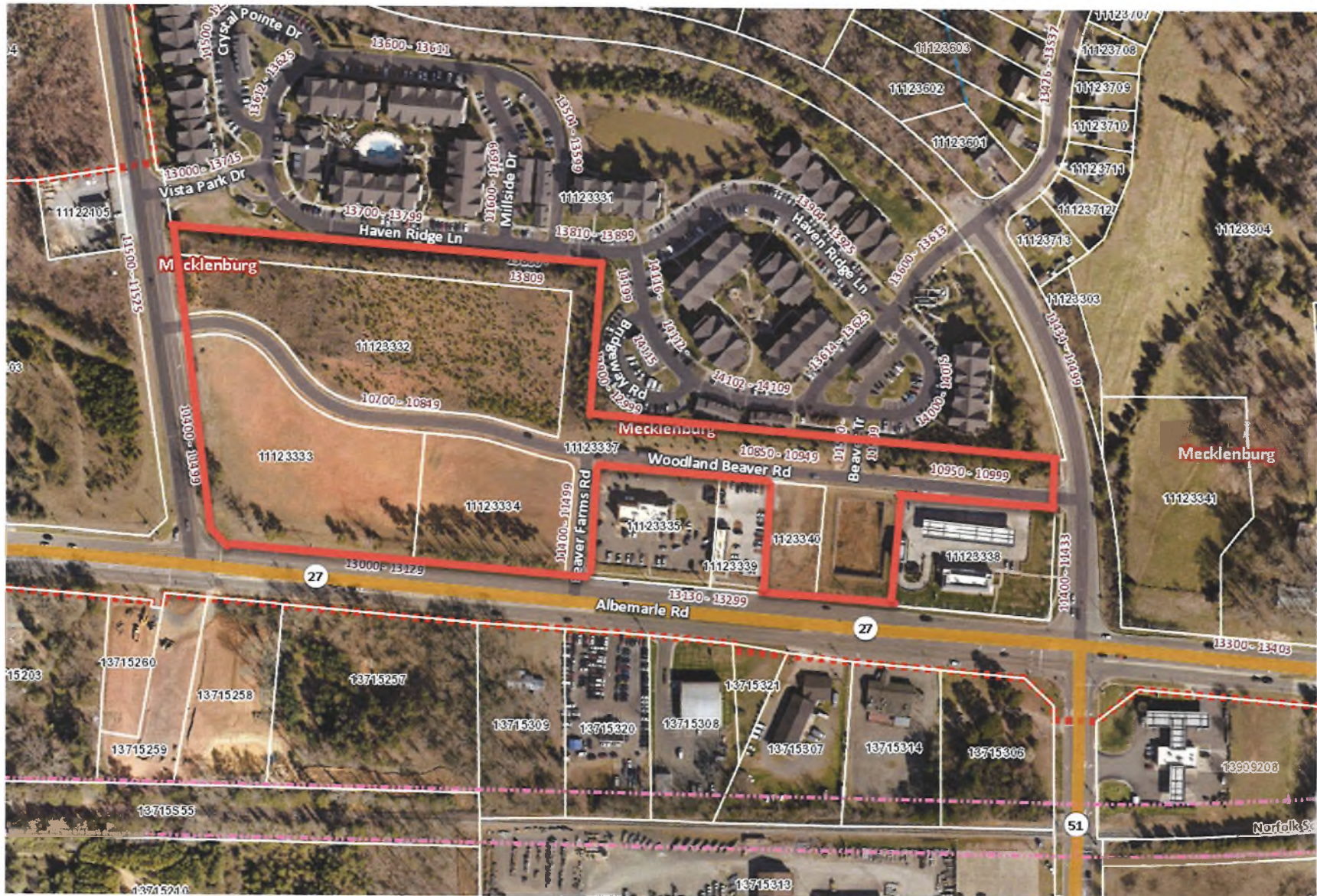
DATE: JUNE 8, 2000
PROJECT NO.: 9802
PROJECT: BEAVER FARMS
SHEET NO.: 2
SHEET TOTAL: 2
DESIGNED BY: J. S. JONES
CHECKED BY: J. S. JONES
DATE: JUNE 8, 2000
PROJECT: BEAVER FARMS
SHEET NO.: 2
SHEET TOTAL: 2

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Land Design Inc.
Landscape Architecture Land Planning
Urban Design

SHEET NO. 2 OF 2
DATE: JUNE 8, 2000

10. *Journal of the American Medical Association*, 2000; 284: 1039-1044.



Site Plan Amendment Request Site Plan

PID 14122105
BURROWS PRODUCTS LLC
4041 KAC LEWY DR
CONCORD, NC 28027
DB 2906A PG 53
EX. ZONING: R-3
EX. USE: INDUSTRIAL

PID 11123331
HAWTHORNE-MIDWAY VISTA
PARK, LLC
PO BOX 36607
ATLANTA, GA 30363
DB 27760 PG 879
EX. ZONING: R-17M (CD)
EX. USE: MULTIFAMILY

PID 11121463
MARTY L. RHODES
1144 BEATTIE'S FORD RD
HUNTERVILLE, NC 28078
DB 18257 PG 184
EX. ZONING: NS
EX. USE: FOREST
COMMERCIAL PRODUCTION

PID 11123344
QUICKTRIP CORPORATION
PO BOX 5475
TULSA, OK 74101
DB 34148 PG 212
EX. ZONING: B-1 (CD)
EX. USE: VACANT

PID 15715258
CALIBER INVESTMENTS
ALBEMARLE ROCKY RIVER LLC
215 QUEEN'S RD WEST
CHARLOTTE, NC 28204
DB 34219 PG 914
EX. ZONING: B-4
EX. USE: VACANT

12' MULTI-USE PATH, TYP.
APPROXIMATE PULL-IN/STATION LOCATION

PID 13715257
SXCW PROPERTIES II LLC
7935 COUNCIL PL STE 200
MATTHEWS, NC 28105
DB 34023 PG 874
EX. ZONING: B-4
EX. USE: VACANT

PID 13715257
SXCW PROPERTIES II LLC
7935 COUNCIL PL STE 200
MATTHEWS, NC 28105
DB 34023 PG 874
EX. ZONING: B-4
EX. USE: VACANT

PID 13715257
SXCW PROPERTIES II LLC
7935 COUNCIL PL STE 200
MATTHEWS, NC 28105
DB 34023 PG 874
EX. ZONING: B-4
EX. USE: VACANT

PID 13715306
FIREPRO
INVESTMENTS LLC
6625 E WY HARRIS
BETHESDA, MD 20814
DB 34444 PG 207
EX. ZONING: B-4
EX. USE: COMMERCIAL

PID 13715307
PARAGON LANDSCAPE
MANAGEMENT LTD
8500 BROOKVIEW CT
WAYNE, NC 28153
DB 34132 PG 436
EX. ZONING: B-4
EX. USE: COMMERCIAL

PID 13715314
FRIDR SAID HELLIC
5700 OLLANDER DR
WILMINGTON, NC 28403
DB 34167 PG 144
EX. ZONING: B-4
EX. USE: COMMERCIAL

PID 13715306
FAYLER OIL CO
1045 WESTBROOK PL ZY DR
WINSTON-SALEM, NC 27103
DB 10801 PG 208
EX. ZONING: B-4
EX. USE: COMMERCIAL

PID 13715321
PARAGON LANDSCAPE
MANAGEMENT LTD
8500 BROOKVIEW CT
WAYNE, NC 28153
DB 34132 PG 436
EX. ZONING: B-4
EX. USE: COMMERCIAL

MINT HILL

